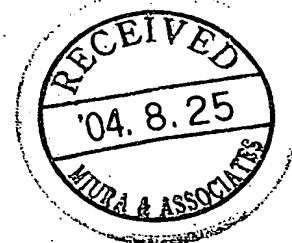


# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:  
**MIURA, Kunio**

**Nishiwaki Building 4F, 1-4,  
Kojimachi 4-chome,  
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**102-0083 Japan**

Date of mailing  
(day/month/year)

**24. 8. 2004**

Applicant's or agent's file reference

**PCT-1240**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/010539**

International filing date (day/month/year)

**16.07.2004**

Priority date (day/month/year)

**29.07.2003**

International Patent Classification (IPC) or both national classification and IPC

Int.Cl. **A61B1/00**

Applicant

**PENTAX Corporation**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

**Japan Patent Office**

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

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**2W 9309**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/010539

Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
**PCT/JP2004/ 010539**

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>7-11, 14, 16-24, 27, 29-32</u>	YES
	Claims	<u>1-6, 12, 13, 15, 25, 26, 28</u>	NO
Inventive step (IS)	Claims	<u>14, 27</u>	YES
	Claims	<u>1-13, 15-26, 28-32</u>	NO
Industrial applicability (IA)	Claims	<u>1-32</u>	YES
	Claims		NO

2. Citations and explanations

D1:JP 2001-299684 A (CREATE MEDIC CO., LTD) 2001.10.30(Family:none)  
D2:JP 9-19403 A (TOSHIBA CO., LTD) 1997.01.21(Family:none)  
D3:JP 2001-277177 A (Technology Research Association of Medical and Welfare Apparatus) 2001.10.09(Family:none)  
D4:JP 9-108179 A (ASAHI OPTICAL CO., LTD) 1997.04.28(Family:none)  
D5:JP 8-106052 A (ASAHI OPTICAL CO., LTD) 1996.04.23(Family:none)  
D6:JP 2001-299940 A (TOKYO IKEN CO., LTD) 2001.10.30(Family:none)

Claims 1-6,12,13,15,25,26 and 28

An internal treatment apparatus for a patient having a flexible tubular body to be introduced into a patient, said flexible tubular body comprising; a center opening for inserting therethrough an endoscope for observing a target site, said center opening being circular in cross section and disposed at a center of an end face of said flexible tubular body; and a plurality of circumferential apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of circumferential apertures being provided in said flexible tubular body at equi-angular intervals around said center opening; is disclosed in D1. Therefore, the subject matter of claims 1-6,12,13,15,25,26 and 28 does not appear to be novel with respect to D1.

Claims 7,20

An internal treatment apparatus for a patient having a tubular body to be introduced into a patient, said tubular body comprising; an opening for inserting therethrough an stereoscopic endoscope for observing a target site, said opening being circular in cross section and disposed at a center of an end face of said tubular body; and a plurality of apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of apertures being provided in said tubular body around said opening; is disclosed in D2 and D3. Therefore, the subject matter of claims 7 and 20 does not appear to involve an inventive step in view of the D1-D3.

7-20?

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V. 2 .

**Claims 8,9,21 and 22**

A surgical instrument comprising; a monitor device allowing an operator to observe a vicinity of a distal end of said surgical instrument; an illumination device which allows an operator to illuminate a vicinity of said distal end of said surgical instrument with light; is disclosed in D4. Therefore, the subject matter of claims 8,9,21 and 22 does not appear to involve an inventive step in view of the D1-D4.

**Claims 10,23**

A surgical instrument comprising; a monitor device allowing an operator to observe a vicinity of a distal end of said surgical instrument; an air feed device and a water feed device which allow an operator to clean a distal end of monitor device is disclosed in D3 and D5. Therefore, the subject matter of claims 8,9,21 and 22 does not appear to involve an inventive step in view of the D1-D5.

**Claims 11,24**

An internal treatment apparatus further comprising an image displaying device for displaying an image formed by said endoscope is also disclosed in D2. Therefore, the subject matter of claims 8,9,21 and 22 does not appear to involve an inventive step in view of the D1 and D2.

**Claims 14,27**

None of the prior art documents cited in the international search report describes the internal treatment apparatus for patient having a tubular body to be introduced into a patient, said tubular body comprising; a center opening for inserting therethrough an endoscope for observing a target site, said center opening being disposed at a center of an end face of said tubular body; and a plurality of apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of circumferential apertures being provided in said tubular body around said center opening; grooves provided between each adjacent said apertures.

**Claims 16-19 and 29-32**

A surgical instrument comprising; an illumination device which emits colored light; is disclosed in D6. Therefore, the subject matter of claims 16-19 and 29-32 does not appear to involve an inventive step in view of the D1-D6.